

REMARKS

I. Amendment To The Claims

In response to Election/Restriction Requirement, claims 6 and 8 have been amended, and claims 7, 10-22 and 24-26 have been canceled. Claim 27 has been added. The support for the claim can be found at page 25, lines 3-12 of the specification. Upon entry of the present amendments, claims 1-6, 8-9, 23 and 27 are pending in this application. No new matter has been introduced by the amendments, and their entry is respectfully requested.

By the amendments, Applicant does not acquiesce to the propriety of any of the Examiner's rejections and does not disclaim any subject matter to which Applicant is entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997). Further, Applicant reserves the right to prosecute the subject matter of any canceled or withdrawn claims in one or more continuation, continuation-in-part, or divisional applications.

II. Election/Restriction Requirement

A Restriction Requirement under 35 U.S.C. §121 has been entered in the present application. The Restriction Requirement identifies three groups:

Group I. Claims 6 in part and 7 in full, drawn to a method of treating nociceptive pain;

Group II. Claims 6 in part and 8-11 in full, drawn to a method of treating neuropathic pain; and

Group III. Claims 24-26, drawn to a pharmaceutical composition.

Applicant respectfully traverses the restriction requirement and submits that a search related to methods for treating nociceptive pain or neuropathic pain, or a pharmaceutical composition for use in pain patients would not impose an undue burden on the Examiner. In particular, any search directed to the recited compounds

would necessarily uncover uses thereof. Thus, Applicant respectfully requests that Groups I to III be examined collectively.

In order to be fully responsive to the restriction requirement, Applicant provisionally elects, with traverse, Group II, without prejudice to Applicant's right to prosecute any non-elected subject matter in one or more continuation, continuation-in-part or divisional applications.

In addition, Applicant has been required to elect a single species for prosecution on the merits. As for the single species to be searched, Applicant provisionally elects (+)-{2-[1-(3-ethoxy-4-methoxyphenyl)-2-methylsulfonylethyl]-4-acetylaminooindoline-1,3-dione} disclosed in page 25, lines 3-12 of the specification.

Further, Applicant has been required to elect a single disease. In order to be fully responsive to the requirement, Applicant elects complex regional pain syndrome recited in claim 8.

No fee is believed to be due in connection with this; however, should any fee be required, Applicants hereby authorizes that such fee be charged to Deposit Account No. 50-3013.

Respectfully submitted,

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